

Applicants : Philip J. Quenzi et al.  
Serial No. : 10/804,325  
Page : 7

**Remarks:**

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated July 15, 2005. Claims 1-17 are pending in the application. Claims 1 and 15 have been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

**ALLOWED CLAIMS**

Claims 11-14 are allowed.

**CLAIM REJECTIONS**

Claims 1-6, 8, 10 and 15-17 were rejected under 35 U.S.C. §102(b) as being anticipated by Tapio et al., U.S. Patent No. 6,129,481. Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tapio et al., in view of Dörr et al., U.S. Patent No. 4,759,657. Applicants respectfully traverse the rejections under §102(b) and §103(a) for the reasons set forth below.

Applicants have amended independent claim 1 to clarify that the control is operable to adjust the level of the vibrating member relative to the grade setting device to engage the vibrating member with the concrete surface at an onset of a screeding pass. The control is operable to position the vibrating member at an initial location that is generally at or near the onset of the screeding pass and above and offset from the concrete surface and the desired grade level. The control is operable to automatically lower the vibrating member from the initial location and toward and into engagement with the concrete surface in response to a signal generated by the activating device. Independent claim 15 has been amended in a similar manner.

Applicants submit that Tapio et al. does not disclose, teach or suggest the soft landing control system of the present invention, particularly as set forth in independent claims 1 and 15 and in the

Applicants : Philip J. Quenzi et al.  
Serial No. : 10/804,325  
Page : 8

claims depending therefrom. For example, Applicants submit that Tapio et al. does not disclose or suggest engaging the vibrating member with the concrete surface at an onset of a screeding pass or positioning the vibrating member at an initial position that is generally at or near the onset and above and offset from the concrete surface and the desired grade. Nor does Tapio et al. disclose or suggest automatically lowering the vibrating member toward and into engagement with the concrete surface in response to a signal generated by the activating device.

Contrary to the position taken by the Examiner, Applicants submit that the hydraulic cylinder of Tapio et al. does not lower the vibrating member to the concrete surface after the plow is lowered to the desired grade level. Rather, the hydraulic cylinder of Tapio et al. functions to pivot the vibrating member and plow about the auger to maintain the screed in a level orientation during the screeding process. The hydraulic cylinder of Tapio et al. is actuated in response to an electronic level sensor (112), whereby the pivotal movement of the vibrating member and plow via operation of the hydraulic cylinder functions to maintain the screed in a level orientation during the screeding process, since the screed assembly may rotate during operation due to the force and pressure of the concrete engaging the plow as the screed assembly is moved over and along the concrete surface (see column 12, lines 54-65 of the Tapio et al. patent). Tapio et al. thus discloses a screed assembly where the plow and vibrating member are moved or pivoted about an auger in response to a level sensor to maintain the screed in a level orientation. Moreover, and in contrast to the statement at page 2 of the Office Action, Applicants submit that there is no disclosure or suggestion in Tapio et al. of controlling the hydraulic cylinder (258) in response to a laser beam elevation control system.

In stark contrast to the Tapio et al. screed assembly, the soft landing control system of the present invention automatically lowers the vibrating member from an initial offset location toward and into engagement with the concrete surface in response to an activating event. The soft landing control system of the present invention moves the vibrating member to engage the concrete surface at the onset of a screeding pass and, thus, provides a transitional or start-up system that automatically engages the vibrating member with the concrete surface at a start or onset of a screeding pass. The soft landing control system thus provides an engagement or start-up or transition system at the start or onset of each

Applicants : Philip J. Quenzi et al.  
Serial No. : 10/804,325  
Page : 9

screed pass to limit depressions or other irregularities at the concrete surface at the start of each screed pass. The control is operable to move the vibrating member toward and into engagement with the concrete surface at an onset of the screeding pass and after the grade setting device is lowered to the desired grade level. After the soft landing control system has lowered the vibrating member to the concrete surface, further control of the level of the grade setting device and vibrating member during the screeding process may be accomplished via other devices or systems, such as a laser beam elevation control system or the like.

Accordingly, Applicants respectfully submit that Tapio et al., either alone or in combination with Dörr et al. or any other prior art of record, does not disclose, teach, suggest or render obvious the soft landing control system of the present invention, particularly as set forth in independent claims 1 and 15 and in the claims depending therefrom. Reconsideration and withdrawal of the rejection of independent claims 1 and 15 and the claims depending therefrom is respectfully requested.


Claims 1-17 remain pending in the application. Applicants respectfully submit that claims 1-17 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

PHILIP J. QUENZI ET AL.

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: October 13, 2005.

  
\_\_\_\_\_  
Timothy A. Flory  
Registration No. 42 540  
2851 Charlevoix Drive, S.E., Suite 207  
P.O. Box 888695  
Grand Rapids, Michigan 49588-8695  
(616) 975-5500

SOM01 P-322  
TAF:slg